

JOURNAL OF THE HOUSE.

Monday, July 17, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer. Lord of Goodness and Justice, we depend upon You and Your assistance as we sort out, organize and evaluate the legislative issues of this day. In all legislative matters, teach us to give people and their concerns an objective and fair hearing in our decision-making process. Help us to recognize the basic, core and factual issues in our discussions on legislative and public policy matters as well as the consequences, immediate and future, of our choices. May we together build concerned, prosperous and safe communities in which the dignity and rights (civil and religious) are accepted and respected.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance. At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Hall of Westford.

A statement of Mr. Hall of Westford was spread upon the records of the House, as follows:

Statement of Representative Hall of Westford. MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber during the evening of the sitting of Thursday last, July 13 due to a previously scheduled family commitment. Had I been present for the taking of Yea and Nay No. 367, on passing to be engrossed the House Bill relative to the inspection and safety of tunnels (House, No. 5187) and Yea and Nay No. 368, on passing over the Governor's reduction to item 4000-0500 in the fiscal year 2007 budget relative to health care services, I would have voted, in each instance, in the affirmative.

Order.

The following order (filed by Mr. Torrisi of North Andover) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Community Development and Small Business committee, extension of time for reporting. Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Community Development and Small Business be granted until Monday, July 31, 2006 within which to make its final report on current Senate number 2586.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on

motion of Mr. Scibak of South Hadley, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

The House Bill relative to judges and registers of probate (House, No. 4251, amended) came from the Senate passed to be engrossed, in concurrence, with the following amendments:

Judges and registers of probate.

In section 2 (as printed), in line 69, striking out the figure "3" and inserting in place thereof the figure "4", in line 229, striking out the figure "3" and inserting in place thereof the figure "6" in line 72, striking out the following: "Worcester, 1 administrative deputy assistant" (as changed by the House committee on Bills in the Third Reading) and inserting in place thereof the following: "Worcester, 2 administrative deputy assistants", in lines 168 and 169, 183 and 184, 198 and 199, 207 and 208, 215 and 216, 223 and 224, 232, 251, 269 and 287, striking out the words "shall receive a salary" and inserting in place thereof, in each instance, the words "shall receive additional compensation"; and by adding at the end thereof the following section:

"SECTION 6. Notwithstanding any general or special law to the contrary, the register of probate of Middlesex county shall not revoke the designation as deputy assistant register of, or reduce the compensation paid to, any employee who has been so designated since May 1, 2006."

The committee on Bills in the Third Reading reported recommending that the House concur with the Senate in its amendments to section 2 and NON-concur with the Senate in its amendment adding a section 6; and the report was accepted.

Under suspension of Rule 35, on motion of Mr. O'Flaherty of Chelsea, the amendments were considered forthwith.

Mr. DeLeo of Winthrop then moved that the House concur with the Senate in its amendments in section 2 (as printed) with a further amendment in said section, after line 69, by inserting the following: "Norfolk, 1 administrative deputy assistant."

The further amendment was adopted. The House then concurred with the Senate in its amendments to section 2, as amended; and NON-concurred with the Senate in its amendment adding a section 6. Sent to the Senate for its action.

The Senate Bill requiring the inspecting and securing of unsafe or abandoned buildings (Senate, No. 1370) came from the Senate with the endorsement that said branch had NON-concurred with the House in its reference to the committee on the Judiciary.

Abandoned buildings.

On motion of Mr. O'Flaherty, the House receded from its reference. The bill then was placed in the Orders of the Day for the next sitting, the question being on ordering it to a third reading.

The House petition of Shirley Owens-Hicks (with the approval of the mayor and city council) relative the procurement of contracts for the redevelopment of certain public housing projects in the city of Boston (House, No. 5046) came from the Senate with the endorsement that said branch had NON-concurred with the House in its reference to the committee on Municipalities and Regional Government; and that

Boston, housing projects.

Boston,
housing
projects.

said petition had been referred, in non-concurrence, to the committee on Housing.

On motion of Mr. Honan of Boston, the House receded from its reference; and the petition was referred, in concurrence, to the committee on Housing.

Restaurants,
allergy
awareness.

A Bill promoting food allergy awareness in restaurants (Senate, No. 2643) (on Senate bill No. 153), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 1E, to the committee on Health Care Financing.

Bills

Tax increment
financing.
Gold Star.

Authorizing the negotiation of taxes due under a tax increment financing agreement (Senate, No. 1701) (on a petition);

Relative to Gold Star license plates (Senate, No. 2203) (on a petition);

Bottled
water,
distribution.

Further regulating the sale and distribution of bottled water (Senate, No. 2416, amended by inserting after section 1 the following section:—

“SECTION 1A. Section 10D of said chapter 94, as so appearing, is hereby amended by striking out the first 2 sentences and inserting in place thereof the following sentence:— All materials used in the manufacturing or bottling of water for human consumption shall be stored, handled, transported and kept in such a manner as to protect them from spoilage, contamination and unwholesomeness.”) (on Senate, No. 159);

Annual
municipal
census.

Providing for testing an administrative records list to create jury pools and purge voting lists (Senate, No. 2628, amended, in section 3, as changed by the Senate committee on Bills in the Third Reading, in line 61, by striking out the date: “June 30, 2009” and inserting in place thereof the following: “4 years from the start of the testing period”) (on Senate, No. 2107);

Disabled
persons.

Relative to disabled persons rights of passage (Senate, No. 2636) (on Senate bill, No. 1858);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Manchester-
By-The-Sea,
officials.

Authorizing the town of Manchester-By-The-Sea to recall elected municipal officials (Senate, No. 2280) (on a petition) [Local Approval Received];

Real estate
appraisers,
registration.

Relative to the period of registration of real estate appraisers (Senate, No. 2422) (substituted by the Senate, for a report of the committee on Consumer Protection and Professional Licensure, ought not to pass, under Joint Rule 10, on a petition);

Northborough,
liquor
licenses.

Authorizing the licensing authority of the town of Northborough to issue five additional licenses for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2557) (substituted by the Senate, for a report of the committee on Consumer Protection and Professional Licensure, ought not to pass, under Joint Rule 10, on a petition) [Local Approval Received];

Requiring a study of Medicaid reimbursement payments to health care providers for electronic consultations (Senate, No. 2565) (on Senate, No. 279);

Medicaid,
electronic
consultations.

Authorizing the conservation commission of the city of Pittsfield to convey a certain parcel of conservation land for public purposes (Senate, No. 2576) (on a petition) [Local Approval Received];

Pittsfield,
land.

Authorizing the city of Boston and the Commonwealth of Massachusetts to grant sewer and drainage easements over certain parcels of land in the city of Boston (Senate, No. 2627) (on a petition) [Local Approval Received];

Boston,
sewer and
drainage
easements.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules Joint Rule 7B be suspended on the petition of David L. Flynn and Marc R. Pacheco for legislation to establish a development revolving fund in the town of Raynham. Under suspension of the rules, on motion of Mr. Smizik of Brookline, the report was considered forthwith. Joint Rule 7B was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Raynham,
development
fund.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Harold P. Naughton, Jr., relative to appeals of decisions by local building officials or heads of fire departments concerning sprinkler systems. Under suspension of the rules, on motion of Ms. Polito of Shrewsbury, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security. Sent to the Senate for concurrence.

Sprinkler
regulations,
appeals.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of certain House documents concerning land transfer (House, No. 4951) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4801) of Martin J. Walsh that the Division of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the Dorchester section of the city of Boston to Expressway Motors LLC,—and recommending that the same be recommitted to the committee on Bonding, Capital Expenditures and State Assets. Under Rule 42, the report was considered forthwith; and it was accepted.

Expressway
Motors LLC.

By Mr. Scaccia of Boston, for the committee on Rules, asking to be discharged from further consideration of the Order relative to authorizing the committee on Revenue to make an investigation and

Revenue,
study.

Revenue,
study.

study of a certain House document concerning the Appellate Tax Board (House, No. 5172),— and recommending that the same be recommitted to the committee on Revenue. Under Rule 42, the report was considered forthwith; and it was accepted.

Mutual
police aid
programs.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to mutual police aid programs (House, No. 3596),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted.

Children,
care and
protection.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, on a petition, a Bill relative to the care and protection of children (House, No. 5050, changed in section 7, in line 4, by striking out the following: “section 2” and inserting in place thereof the following: “clauses 2 and 3”; in section 8, in line 50, by inserting after the word “professionals” the words “from an independent institution”; and in section 9, in lines 18 and 19, by striking out the following: “(6) a representative to the Massachusetts Society for the Prevention of Cruelty to Children (7)” and inserting in place thereof the following: “(6)”, in line 20, by striking out the following: “(8)” and inserting in place thereof the following: “(7)”, and, in said line, by striking out the following: “(9)” and inserting in place thereof the following: “(8)”). Read; and referred, under Rule 33, to the committee on Ways and Means.

Shrewsbury.

By Mr. Petrucci of Boston, for the committee on Election Laws, on a petition, a Bill authorizing the town of Shrewsbury to send certain information to the voters of the town (House, No. 5013) [Local Approval Received].

Norwood
and
Sharon.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing the town of Norwood to grant access to its sewer system and to assess charges therefor (House, No. 5058) [Local Approval Received].

Groton.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a petition, a Bill designating a certain well in the town of Groton (House, No. 4687).

South Grafton
Water District.

By the same member, for the same committee, on a petition, a Bill revising the South Grafton Water District boundaries (House, No. 5066).

Wayland.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Wayland to transfer care and control of certain park land (House, No. 5079) [Local Approval Received].

Dennis.

By the same member, for the same committee, on a petition, a Bill establishing a golf course capital improvement fund in the town of Dennis (House, No. 5087).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Patient
confidentiality.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill to protect patient confidentiality (House, No. 1754)

ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

The Senate Bill relative to lending limits (Senate, No. 2540); and House bills

Lending.

Establishing a sick leave bank for Sharon Melvin-James, an employee of the Trial Court of the Commonwealth (House, No. 704);

Sharon Melvin-James.

Establishing a sick leave bank for a certain employee of the Trial Court (House, No. 4140); and

Laurence Lacombe.

Establishing a sick leave bank for Frances M. Ravish, an employee of the Trial Court of the Commonwealth (House, No. 5071);

Frances M. Ravish.

Severally placed in the Orders of the Day for the next sitting for a second reading.

Emergency Measure.

The engrossed Bill relative to clinical laboratories (see Senate, No. 725, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Clinical laboratories.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendment) was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

Engrossed Bills.

The engrossed Bill authorizing certain housing in the town of Westborough (see House bill printed in House, No. 4609) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Engrossed bills

Authorizing the late filing of a tax abatement application for the National Plastics Center and Museum of Leominster (see Senate, No. 2386) (which originated in the Senate);

Bills enacted.

Authorizing the town of Shrewsbury to lease certain land (see House, No. 4205);

Further regulating the use of target shooting weapons (see House, No. 4552, amended); and

Authorizing the appointment of certain police officers in the town of Milford (see House, No. 4715);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

House bills

Exempting Scott Lemay from the maximum age requirement for firefighters in the city of Methuen (House, No. 4118); and

Providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Lakeville (House, No. 5016);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill authorizing the conveyance of a certain parcel of land in the town of Winthrop (House, No. 4905), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Golden of Lowell moved that it be amended by adding at the end thereof the following three sections:

“SECTION 6. The commissioner of capital asset management and maintenance is authorized, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws or any other general or special law, rule or regulation to the contrary, and in consultation with the commissioner of the department of conservation and recreation, to transfer the care, custody, management and control of so much of the Pawtucket Boulevard Node as contains the Bellegarde Boathouse, together with the land and appurtenances associated therewith, located on a certain portion of state owned public park land in the city of Lowell, to the trustees of the University of Massachusetts for nominal consideration, for use by the trustees as a boathouse and public park land. Such transfer shall be on terms acceptable to the commissioner of the division of capital asset management and maintenance after consultation with the commissioner of the department of conservation and recreation and shall require appropriate public access to the public park land and boathouse facility and stewardship by the trustees according to department of conservation and recreation and federal National Park Service policy for such facilities and parkland. The land is shown on a deed dated September 27, 1977 and recorded in the Middlesex North registry of deeds at Book 2269, Page 359. The exact boundaries of the land shall be determined by the commissioner of capital asset management and maintenance in consultation with the commissioner of the department of conservation and recreation after completion of a survey.

SECTION 7. The trustees of the University of Massachusetts shall bear all cost deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

Third
reading
bills.

Winthrop,
land
conveyance.

SECTION 8. If the property ceases to be used at any time for the purpose described in section 6, or is used for any purpose other than the purpose stated in section 6, or in any way fails to comply with the department of conservation and recreation and federal National Park Service policy for such facilities and parkland, the care, custody, control and management of the property, upon notice by the commissioner of the division of capital asset management and maintenance, shall revert to the department of conservation and recreation and any further disposition of the property shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws, and shall require the prior approval of the general court. Any document so transferring the property shall include a reversionary clause that stipulates that the care, custody, control and management of the property will revert to the department of conservation and recreation if the property ceases to be used for the express purposes for which it was transferred.”; and by striking out the title and inserting in place thereof the following title: “An Act authorizing the conveyance of certain parcels of land in the Commonwealth.”.

The amendments were adopted; and the bill (House, No. 4905, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recesses.

At thirteen minutes after twelve o'clock noon, on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at twenty-three minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Fagan of Taunton, until a quarter before three o'clock; and at five minutes before three o'clock the House was called to order with Mr. Donato in the Chair.

Engrossed Bills.

Engrossed bills

Changing the date for preliminary elections in the city of Holyoke (see House, No. 4579); and

Providing for the establishment and administration of rent regulations and the control of evictions in manufactured housing communities in the town of Lakeville (see House, No. 5016);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Recesses.

Bills
enacted.

Next
sitting.

At three minutes before three o'clock P.M., on motion of Mr. Canessa of New Bedford (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.